HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO: 14630 of 2007

Dated: 22-10-2007

Between:

Chinnagundam Venkateswara Reddy

..... PETIT

AND

The Special Collector,
Kurnool and 2 others.

.....RESPONI

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 14630 of 2007

O R D E R:

This writ petition is filed for a writ of Mandamus to declare the action of respondents 1 and 2 in seeking to pay compensation in respect of Ac.2.04 cents of land situated in Sy.No.525/2 of Talamudipi village, Midthur Mandal, Kurnool District to respondent No.3 as illegal and arbitrary.

The petitioner claims to be entitled to compensation in respect of the land of an extent of Acs.2.04 cents covered by notification dated 09-05-2007 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act'). The petitioner filed this writ petition on an apprehension that though he made a claim for the payment of award amount before respondent No.2, the latter is likely to disburse compensation to respondent No.3.

Heard the learned counsel for the petitioner, learned Assistant Government Pleader for respondents 1 and 2 and Sri J.Janaki Rami Reddy1, learned counsel appearing for respondent No.3.

Learned counsel for respondent No.3 fairly stated that since there is a dispute regarding entitlement of compensation, respondent No.3 has no objection for reference of the dispute under Sections 30 and 31 of the Act to the competent civil Court by respondent No.2.

In view of the fair statement of the learned counsel, the writ petition is disposed of with a direction to respondent No.2 to consider the rival claims of the petitioner and respondent No.3 and pass an award. After passing the award, he shall refer the dispute under Sections 30 and 31 of the Act to the competent civil Court for determining the dispute as to the entitlement of the compensation.

Subject to the above, the writ petition is disposed of. No costs.

C.V.NAGARJUNA REDDY,J

Date: 22-10-2007
KLP